PRESIDENT DETERMINED TO SE-CURE ACTION ON CUBAN TREATY.

Unofficial Announcement that an Extraordinary Session of Congress Will Be Called if Necessary.

ALL DEPENDS ON THE SENATE

Or If It Fail in the Senate for Lack of Quorum, an Extra Session May Be Called.

SPEECH BY SENATOR MORGAN

VALIDITY OF THE TITLE TO THE PANAMA CANAL ATTACKED.

Appointments by the President and Secretary Cortleyou-Females Not to Be Immigrant Inspectors.

WASHINGTON, March 13.-It can be stated by authority that President Roosevelt has not definitely made up his mind to call an extraordinary session of the Fiftyeighth Congress, He, however, is considering the practicability of doing so. When he was informed that it was the intention of the Senate so to amend the Cuban reciprocity treaty as to render action upon it by the House of Representatives necessary to make it effective, he informed some members of the Senate that he would hold himself free to call an extraordinary session of Congress to secure action on it. No definite time was mentioned for the meeting of the extraordinary session. The President is much in earnest in his desire to have the Cuban treaty ratified and made effective. It can be said that so strong is his desire that he even has considered the advisability of calling the Congress into extraordinary session this spring if the Senate should permit the Cuban treaty to fail through lack of a quorum. That, however, is a contingency which he considers improbable. The belief of the President and of his advisers is that the Senate will take definite action upon both the Panama canal and Cuban reciprocity treatles at the present session. Assurances to that effect have been received from the leaders of the Senate. The President believes, also, it can be said, that this work of the Senate will have been accomplished by the last of next week. Further than that the President "holds himself free" to call an extraordinary session of the Fiftyeighth Congress nothing has been deter-

Senators who talked with the President to-day, however, believe it to be unlikely that an extraordinary session will be called next autumn. They say many reasons might be cited why such a session should not be held, the principal one being that some important state elections are to be held in November and members of Congress will be busy with political affairs in their own States. They point out that on the eve of a presidential campaign it is highly important that every effort be made, especially in doubtful States, to maintain the strength of party organizations. In such circumstances, it is said, it would be possible only with difficulty to maintain a quorum of either branch of Congress at an extraordinary session. If the session were not called until November, they say, It would be so close to the regular session as practically to render it unnecessary. The Republican steering committee of he Senate to-day considered the general dition of business in the Senate. The nion was expressed that it would be posble to fix the day for the final close of the session not later than next Friday or Saturday. No resolution, however, to that effeet will be introduced until an effort shall have been made to name a day for voting on the Cuban reciprocity treaty. It has been arranged that Senator Spooner shall debate, which, under the general agreement fixing the time for a vote, is to be made was suing for divorce, without a cent. He public. The Democratic senators will cau- leaves \$2,500 to relatives, and the rest of his decide on a course to be pursued in the Senate with reference to amend-

CANAL TREATY DISCUSSED.

Benator Morgan Attacks Validity of

ments to the pending treaties.

Panama Company's Title. WASHINGTON, March 13.-When the Senate went into executive session to-day Mr. Morgan entered on a discussion of Attorney General Knox's opinion as to the validity of the title to the Panama canal property which can be given by the new Panama Canal Company. This opinion he attacked as defective in some points, and especially in its failure to deal with the furisdiction of the French courts which have passed upon the canal company's title. Senator Morgan read at length from the speecher, he has prepared for publication. He charged that the French courts had overstepped their legitimate authority in assuming to dispose of property situated in Colombia without reference to the rights retained by Colombia and the limitations government on its agent, the International Interoceanic Canal Association. He conended that as Colombia never really had parted with the canal zone, and as that country was guaranteed an annual income of \$250,000 for the proposed canal country was the ultimate sole beneficiary of the enterprise and the concessionary company the temporary recipient of the tolls of the canal for its compensation or in-He claimed, therefore, that the decree of the French court authorizing the sale to the United States was void because an invasion of the rights of Colombia. He also contended that French legislation attempting to validate the acts of the French courts was as clearly without authority as the documents of the court. "France cannot," he said, "thus violate the rights of Colombia and the shareholders, holders and general creditors of the Panama Canal Company without responsibility. and cannot escape that responsibility by asserting that as a government she has had nothing to do with the company." Then | the deaths of the Pennells will be fully as he asserted that "if Colombia has become or shall become a party consenting to all hese proceedings or if she is not such a party she is bound for every bond issued ov the old Panama Canal Company for all the other debts of that company contracted for material furnished or work done for

Taking up the question of responsibility of the United States in the matter of these debts Senator Morgan said: "A matter that is of the deepest concern to the honor of the United States is that the stockder in the old company is bound to one who has any knowledge of the accident. creditors of that company by mutual, ex- I shall issue a subpoena for Gyger, the man press agreement for a sum equal to the face value of shares held by him for the

payment of those debts." When Senator Morgan concluded Senator oner took the floor, but did not proceed. He said, however, that he desired to go on morrow. It was then suggested that as esday included the printing of Senator from any official action I may take in the const's speech the official stenographers case I am not inclined to place too much should be sworn, and the agreement was dependence on the suicide the standard so as to provide for the reporting it relates to the Pennella."

of all the speeches to be made in the future on the treaty with the view of having them printed after the vote is taken on Tuesday. Some of the stenographers were then called in and sworn to secrecy, and all the remaining employes in the official reporters' room will be required to submit to the oath to-

At the instance of Senator Teller the

Senate adopted a resolution calling upon the President for information as to whether Great Britain has made a formal protest against the Cuban reciprocity treaty. The Senate to-day made public the reply of the President to the Senate resolution introduced by Senator Morgan asking information as to the present state of negotiations or agreement between the new Panama Canal Company and the govern-ment of the United States, together with a copy of any agreements touching the sale of the property since Dec. 1, 1902. The reply is by Attorney General Knox. He says that all negotiations have been conducted with the understanding that the consent of Colombia was necessary to enable the canal company to sell and the United States to buy canal rights. The cable dispatch of Mr. Knox of Feb. 17, 1903. MAKE IT EFFECTIVE,

accepting the offer of the company to sell to the United States the canal property is given. On Feb. 19 President Bo sent a cablegram to Mr. Knox. William N. Cromwell was charged with transmitting the response of the council of administration. A letter from Cromwell to the attorney gen-eral, dated March 3, 1903, says the acceptance of the President, as contained in the attorney general's cablegram of Feb. 17 is accepted as being in conformity with the offer of the canal company. Mr. Knox says there has been no other negotiation

Appointments and Confirmations. WASHINGTON, March 13.-Secretary Cortelyou to-day announced the following appointments in the Department of Commerce and Labor: Chief clerk, Frank H. Hitchcock, of Massachusetts; disbursing clerk, William L. Soleau, of Michigan. Secretary Cortelyou has selected as his personal stenographers H. O. Weaver and Charles H. Wood, both of whom have been on detail at the White House.

The President to-day sent the following nominations to the Senate: Supervising inspector general of steam vessels, Treasury Department, George Uhler, of Pennsyl-Ervin A. McMillan of California, Eugene H. Tricon of California; receivers of public (CONTINUED ON PAGE 4, COL. 6.)

TOOTH CAUSED LONG TRIP

BRAZILIAN DOCTORS TOLD A MIS-SIONARY HE HAD EPITHELIOMA,

And He Traveled 4,000 Miles to Learn It Was a Case of Ulcerated Tooth -The Molar Drawn.

NEW YORK, March 13 .- The Rev. William W. Waddell, a missionary sent out by the Presbyterian board, has just ended a 4,000-mile trip from Bahia, Brazil, to New York in order to have a tooth drawn, though much more serious consequences seemed to confront him. Two eminent Brazilian physicians told the clergyman that what he supposed was an ulcerated tooth was well-defined epithelioma, or cancer, and advised him to take the next steamship for New York, where he could It happened that there was a steamer in port that day and another was not expected for two weeks. Mr. Waddell's wife urge him to start at once, and he went aboard. It took eighteen days to reach this port. Mr. Waddell arrived yesterday and went to the Presbyterian Hospital.

"I think you need a dentist," said Dr. Elsworth Eliot, the visiting surgeon, after a microscopical examination; "you have an ulcerated tooth." Dr. Eliot recommended a dentist, who drew the tooth, and Mr. Waddell said yesterday that he was better. Mr. Waddell has been stationed in Brazil for severa

HER HUSBAND MADE NO PROVISION FOR HER IN HIS WILL.

Most of the Murdered Man's Estate Left to His Children-The Inquest

to Be Held To-Day.

BUFFALO, N. Y., March 13 .- The will of the late Edwin L. Burdick, murdered in his home here Friday, Feb. 27, was made public to-day. Burdick cuts off his wife, whom he property to his three children, share and share alike. The will was made Dec. 8, 1902. Mr. Burdick names as executors of his estate Augustus B. Kellogg, George H. Dunston and George C. Miller. He names Charles Parke and Risley Tucker, his business associates, as guardians of his three children. The petition for the probate cites the following as the heirs-at-law and next kin of Burdick: Alice H. Burdick, widow; Marion Burdick, aged fifteen, daughter; Carroll Lewis Burdick, aged twelve, son; Alice Hull Burdick, aged ten, daughter. Objections were filed in behalf of Mrs. Burdick and by F. B. Hartzell in behalf of the infants, as their special guardian. Counsel for the executors said some one should

appointed the special guardian other than Mr. Hartzell. The court, however, declined to revoke the appointment. The will was then admitted to probate under the stipulation that Mrs. Burdick objects to the clause providing for the appointment of testamentary guardians for the children be determined by the surrogate at a future date. Mrs. Burdick expressed perfect satisfaction with the other sections

Mrs. Seth T. Payne, of Buffalo, whose husband is a Batavia dentist, arrived at by Saturday afternoon. Batavia last night. She was followed there by a detective. The latter had a conversation with Dr. Payne over the telephone this morning, the exact nature of which could not be learned. It is believed that Mrs. Payne went to Batavia to consult a lawyer relative to her appearance at the Burdick inquest, at which the detective had a subpoena for Mrs. Payne to appear. Later in the day both Dr. and Mrs. Payne were served with subpoenas to appear at the Burdick inquest at Buffalo to-morrow. It was announced by Justice Murphy today that an inquest on the death of Arthur R. Pennell and Mrs. Pennell would be held soon after the conclusion of the Burdick nquest. Justice Murphy said regarding the Pennell inquest: "We shall have to await the outcome of the Burdick inquest. The interests of Pennell and Burdick were so interwoven that the final outcome of the Burdick inquest may not have an important bearing in the inquests into the death Mr. and Mrs. Pennell. You may say, however, that the investigation into searching, thorough and conclusive as I hope to make that into the death of Bur- is an advance of seven-tenths of a foot dick. It will be in no sense a formal af-It is my duty and it will be my purpose to determine, as far as the evidence show, whether the Pennells' death

was due to accident or suicide. This is due

to the people, and to the Pennells. If their

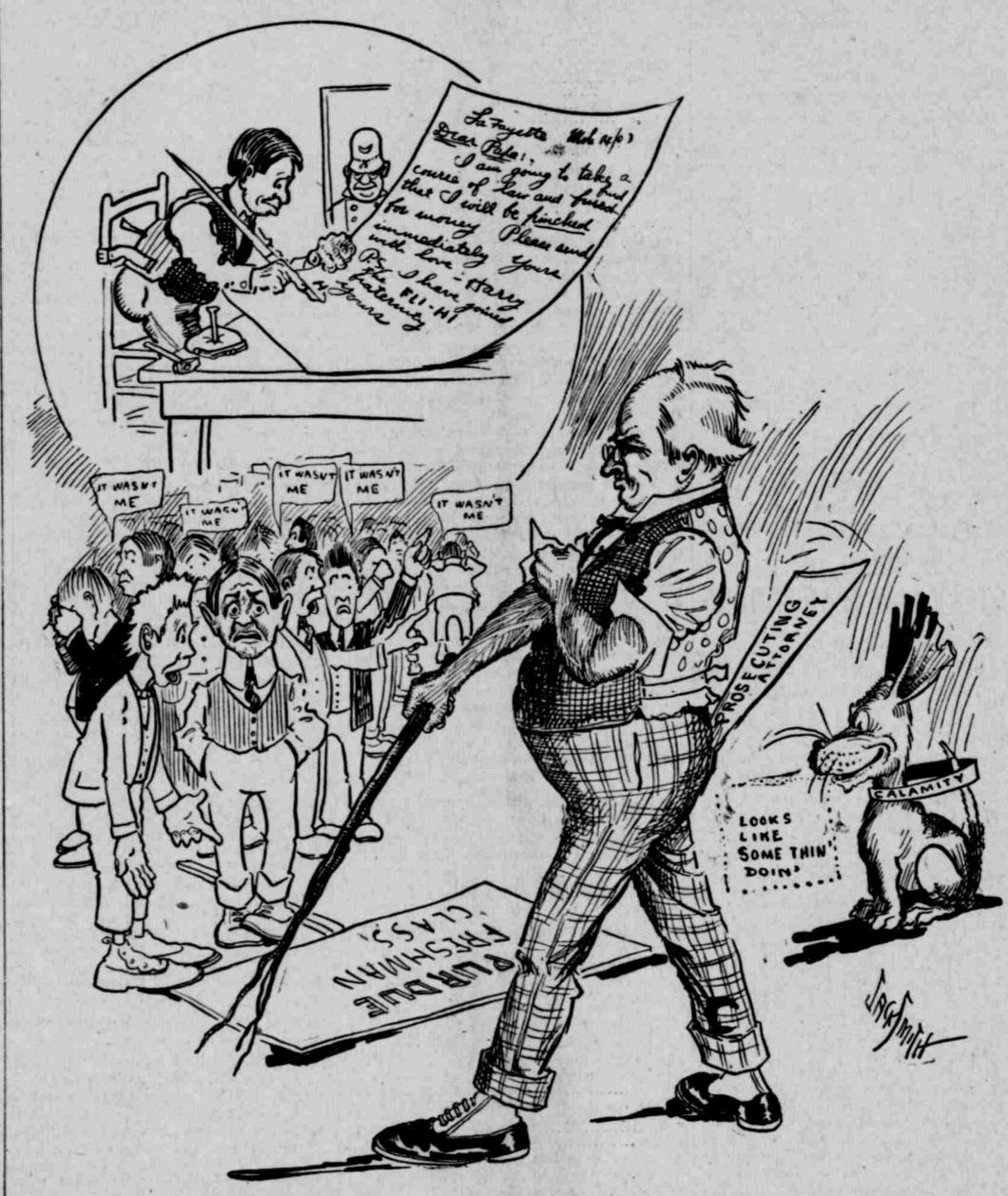
horrible death was due to an accident they

must not be allowed to rest under the shad-

ow of a suspicion. With what evidence is

at hand we will try and determine those I have issued subpoenas for every Captain Lucas, United States engineer in charge of the First and Second districts. who says he saw Mrs. Pennell drinking liquor from a flask a few minutes before to-day received a telegram from Assistant Engineer Nolty, at Caruthersville, Mo., the accident. I shall issue a subpoena for Lawrence Martin, the foreman who took saving that the situation there is unthe empty flask from Gyger and now has changed, and that there is nothing alarming in the situation. Captain Lucas has mincing in this matter. I shall get at the issued notices to steamboat captains and masters giving a list of all exposed points along the levees and urging caution in approaching them. He has just returned dence on the suicide theory so far as

AT PURDUE THE UNDER CLASSMAN'S DILEMMA



PROSECUTING ATTORNEY-Well, I'll thrash the whole class and then I'll be sure to get the guilty.

ESTIMATE OF THE DAMAGE IN IN DIANA AND ALONG THE OHIO.

Wabash River Twelve Miles Wide a Its Mouth and White River the Highest Ever Known.

IISSISSIPPI LEVEES

SEVERAL MAY NOT BE ABLE TO RE-SIST THE GREAT STRAIN.

Situation Near Natchez and Vicksburg and at the Arlington Embankment Deemed Grave.

Special to the Indianapolis Journal. EVANSVILLE, Ind., March 13.-While holding the entire line." and stands 40.9 feet, another rise is expected in a few hours. It is expected to be raining by morning. The Wabash, White and Patoka rivers continue to rise at been greater than at first anticipated. Following are estimates of the losses along the rivers in this section of the country: Ohio river, from Owensboro, Ky., to

White and Patoka rivers..... 150,000 Wabash river, from Terre Haute to the mouth..... 100,000

The Wabash river where it empties into the Ohio is twelve miles wide. Reports of serious losses continue to come in, and the worst will not be over for several days. Most of the boats on the Wabash river are tied up. Navigation on the Ohio is being slowly resumed, and the Louisville and Nashville packets will swing into line by the first of next week. White river at Hazleton is the highest ever known tonight. The river is expected to be falling

The steamer Charlie Curlin was raised at Livermore, Ky., on Green river, to-day The boat struck a log and sank several days ago. The boat was not badly dam-

Rising Slowly at Cincinnati.

CINCINNATI, O., March 13.-The river reached the danger line of fifty feet here at 10 o'clock to-night. The indications are that it will rise slowly until a stage of fifty-Sunday night, when it will begin falling

ALONG THE MISSISSIPPI.

Patrols Protecting Levees with Shotguns-No Break Near Memphis.

MEMPHIS, Tenn., March 13 .- The river gauge to-night is 36.5 feet and rising. Thi since 6 o'clock last night, and the weather bureau predicts that the rise will continue at an increased rate until to-morrow night. when a stage of more than thirty-seven feet is expected. The bureau still con tinues to anticipate a stage of more than thirty-eight feet, and possibly more than

from a trip of inspection down the river, cupy the capitals of the departs and reports the levees on both sides of the Tegucigalpa, Choluteca and Valle,

Mississippi in good shape except near Modoc, Ark., where a serious break occurred in 1897, and which has never been completely repaired. Captain Lucas says the engineers are hopeful that the embankments

Chief Engineer Pharr, of the St. Francis Levee Board, to-day issued a notice to all to post notices prohibiting persons from appearing on or approaching the levees at any point during the night under pain of being fired upon by the levee patrols. All boats approaching the levees are warned to carry lights and, if possible, to secure permits beforehand. All steamers arriving to-day brought in large numbers of refugees and much live

The Worst Fenred.

VICKSBURG, Miss., March 13.-The flood situation in this section is steadily growing worse. It is greatly intensified by the continual heavy rains. While the engineers and officials of levee boards are keeping up a brave front, it is plain to be seen that they fear the worst. The gauge here at 7 p. m. read 48.1 feet, a rise of .2 since 11

M. P. Robertson, assistant engineer of the Fifth Louisiana district levee board, who has established headquarters here, received a telephone message from Commissioner Ramsdell, at Lake Providence, saying that he had just returned from an inspection of the levees from Providence to the Arkansas line and found the embankments in fairly good shape. "While the situation is serious," he says, "we feel confident of

the Ohio river is falling slowly in this port | A new short levee just north of Lake On the lower Yazoo several of the finest plantations in Warren county are sub-Specials from Donaldson and Baton Rouge ell of intense excitement at those points rapid rate, and the losses to farmers have as the Arlington levee, near the Louisians (CONTINUED ON PAGE 2, COL, 2.)

CARIBBEAN SEA SQUADRON TO PRO-TECT AMERICAN INTERESTS.

dmiral Coghlan and His Ships to Sail at Once from San Juan for Puerto Cortes and Ceiba.

WASHINGTON, March 13 .- The Caribbean squadron under command of Admiral Coghlan has been ordered to Honduras, where the revolution is assuming serious proportions, to protect American interests. Late this afternoon acting Secretary of the Navy Darling sent the following cable instructions to Admiral Coghlan at San Juan: "Proceed with squadron, Olympia, Panther, Marietta, Vixen and Brutus (collier) for protection of American interests at Puerto Cortez and Ceiba, Henduras, Communicate with minister. Leave Vixen two feet is reached, which is expected by (tender) under commandant at San Juan. The Navy Department decided to send Admiral Coghlan to Honduras on the theory that a flag officer present on the scene would be in a position to take such steps as may be necessary for the protection of American interests without constant reference to the department here. The presence of a squadron instead of a single ship, it was thought, also would have a salutary

> The action of the Navy Department was based on a dispatch received at the State Department to-day from William C. Wilt. United States vice consul at Ceiba, announcing that Ceiba had been captured by the revolutionary forces, and suggesting that a United States warship be sent to Honduras waters. The dispatch bore the date of March 12. A request has also come for similar protection from the United States vice consul at Puerto Cortez.

Bonilla Victorious.

PANAMA, Colombia, March 13.-Cable advices received here from Honduras by way of Salvador say that the departments of Copan, Gracias, Intibucat, Lapaz, Comayaqua and Paraiso are in the hands of the (roops of General Bonilla, the President-elect of Honduras, who is marching on Santa Barbara. The forces of Presi-dent Sierra, of Honduras, it is added, oc-

engineers in charge of districts asking them | JUDGE ANDERSON WILL ACT IN CON-

TEMPT PROCEEDINGS.

Watchman Frederick Ruoff Contradicted the Evidence Given the Other Day by D. A. Sachs.

OF ATTORNEYS ARGUMENTS

W. H. H. MILLER AND W. M. SMITH

FOR THE DEFENDANTS.

The Latter Sufficiently Facetious to Make the Court Smile-La Follette for the Government.

Judge Anderson, of the United States Court, will decide the contempt case in which William W. Watts and D. A. Sachs, Louisville attorneys, are defendants, this morning at 10 o'clock. The evidence was all in and argument in the case finished vesterday evening. It had been expected that the court would give a decision last night, but at the close of the day's proceedings Judge Anderson asked for some records that he would like to look over, and

said he would give his decision this morn-

The evidence taken yesterday was given by witnesses called by the government, chiefly in rebuttal. One witness was Frederick Ruoff, watchman at the M. Zier plant in New Albany. He was called to that he did not visit the plant after Kelso had been appointed receiver. The witness Kelso, Another witness was William Ruoff, deputy clerk of the Floyd county Circuit Court, who testified as to certain entries made in the court record at New Albany. A third witness was Edgar Martin, a deputy clerk of the Floyd Circuit Court. Miss Bertha L. Scott, stenographer in the office of Charles Kelso, one of the receivers of the Zier plant, was also a witness. She said that when Mr. Kelso dictated the order ousting the New Albany Trust Company as receiver, D. A. Sachs was in the office and offered suggestions as to draft-

W. H. H. MILLER HEARD. After these witnesses had testified the remainder of the day was spent in argument. W. H. H. Miller, for the defense, spoke first. One of his contentions was that the Federal Court had no jurisdiction over this property when it placed its receiver in bankruptcy, Frederick Connor, in charge in place of the receiver appointed by the Floyd Circuit Court. He held that the Federal Court should have had the consent of the Floyd Circuit Court to come into legal possession of the plant. Jesse J. M. La Follette, deputy United

States attorney, followed Mr. Miller for the government. He simply discussed the "question of fact." Mr. La Follette held that the circumstances contradicted the statement made by William W. Watts that he in good faith at all times meant to carry out the agreement made in the United States Court. The district attorney thought that if there is anything proved at all in this case it is that Attorney D. A. Sachs, one of the men charged with contempt, de clared the law to be that the Floyd Circuit Court had jurisdiction in the Zier & Co. "Mr. Sachs, I think," said the attorney, "has very unwisely placed himself contrary to the proven facts." Mr. La Follette thought that some very unreasonable statements have been made in regard to this matter and he held that it could hardly be said that Sachs would have been

hand in hand with a common purpose," said the attorney, "and Sachs's denial of it puts him deeper in it." Mr. La Follette asserted that there had been too much denial, too much evasion in the case to entitle some of the evidence to very much credence. In closing his remarks the deputy district attorney recalled that it has been well said "that words spoken from the witness stand die away in a whisper while acts done and performed speak in thunder-

HE WAS FACETIOUS.

W. M. Smith, former United States district attorney at Louisville, addressed the court in behalf of the defendants, and more particularly in the interests of D. A. Sachs. Mr. Smith was inclined to be facetious at times, and caused the court to smile fre-

He took the position at the start that the information charges Sachs and Watts and the others named in the information with forcibly taking possession of property from the Federal Court receiver, and that the information charges nothing else. That being so, the attorney held, the only charge these men are required to meet is that they forcibly took possession. The attor-ney declared that there is no evidence that Sachs and Watts did so, and, therefore, they are not guilty of the charge made against them. Mr. Smith pointed out that it was conceded that at the time the property was taken possession of Sachs and Watts were not there, but were across the river. "As far as the record is concerned," declared the attorney, "it shows no act on the part of Mr. Sachs being in contempt of this court. I take it that when Judge Utz asked these men whether he had jurisdiction they believed he had, and it was their duty as honest men to advise him and give their opinions." The attorney was somewhat sarcastic at the expense of Judge Utz, and alluded to his court as a "court of continuous session." The attorney, in discussing the militia episode and Mr. Sachs's alleged declaration that he was a State's rights man, remarked to the court that it makes little difference at this day whether Mr. Sachs is or is not a State's rights man. "That matter," said the at-torney, "has been settled." Mr. Smith said his client was an impulsive man, and if he thought the court was wrong would probably say so. He alluded to Kelso as the "star witness" in the case. In conclusion the attorney suggested to Judge Anderson that he was dealing with men of whom he knew nothing personally, "but good people of their city say they are responsible men.' (CONTINUED ON PAGE 5, COL. 1.)

ATTEMPTED SUICIDE OF BARTLETT SINCLAIR AT MANILA.

Treasurer of Rizal Province Who Was Charged with Permitting Peculation-Friar Lands Too High.

MANILA, March 13.-Bartlett Sinclair, treasurer of Rizal province, attempted to came here, where Judge Horace H. Lurton commit suicide to-day by taking poison in heard them in chambers. The Kentucky the office of the attorney general when in- | charter of the Southern Pacific Company formed that the government intended to is for steamship lines, ferries, terminals prosecute him for neglecting his office and and other purposes as well as for railways. permitting the peculation of funds. Sin- Taylor, the complainant, is a son-in-law clair's books were found to be in a mud- of James R. Keene. The attorneys on both dled state. The authorities had been in- sides held conferences here this afternoon vestigating for months a shortage of several thousands, but it is not believed that again at Nashville two weeks from next Sinclair embezzled any money. Four of his Wednesday. Senator Foraker and Judge subordinates have been arrested on the Harmon were in conference after the other

leged head of the new Katipunan, is being tried for treason and sedition. Domingo Dakay, the former head of the Katipunan, and others testified that Javier acted as government maintained by the irreconcilables. The testimony does not show that Javier contributed money or supplies to the irreconcilables or bore arms against the

As the result of his capture in Rizal prov-

The government forces have been engaged in another ladrone drive in Rizal province, and have arrested a number of after a couple of skirmishes. San Miguel, the irreconcilable leader who is hiding in the mountains, has sent a message to Gen. Allen asking for the terms on which he may

surrender, but the general declined to make There is a possibility that the negotiations for the purchase of the friar lands by the government may fail because of the ex-cessive prices asked by the religious orders commercial corporations interested with the orders. Some of the estimates of value submitted to Governor Taft and Archbishop Guidi show the prices to be double the figures at which the land was offered for private sale last year. The gov-ernment is anxious to purchase the lands, but is not willing to pay excessive amounts

HE IS PERSONA NON GRATA

CONSUL GENERAL BITTINGER HAS BEEN INVITED TO RESIGN.

He Offended Canadians by Criticising Them and Advocating Annexation

to the United States.

WASHINGTON, March 13.-United States Consul John L. Bittinger, at Montreal, has been invited to resign. He will be succeedcontradict the statement of D. A. Sachs | ed by Maj. A. W. Edwards, a North Dakota newspaper man. Consul Bittinger while on leave of absence at his home told of seeing Sachs there in company with | talked freely of the relations between the United States and Canada. This was not well received in Canada and has led to the present action.

> ST. JOSEPH, Mo., March 13.-A private dispatch from Washington to-night says Major Bittinger's recall from Montreal is directly due to an interview advocating the and a decree requiring both companies to annexation of Canada to the United States, which he recently gave to a Montreal newspaper. The interview was based on utterances in Congress by Mr. De Armond, of Missouri, who is strongly in favor of a union. Great Britain, according to this dispatch, entered a protest. Major Bittinger. who is in St. Joseph on leave of absence, said he would resign unless he could be transferred to some more congenial post in the consular service. He gave an interview in which he criticised the cuisine of the French hotels of Montreal. He said: "They have the prices but not the quality of food placed on the tables of the best hotels of the United States. Their methods in business and other ways are often found to be

Consul General Bittinger declared there had been a lack of statesmanship and business sense on the part of the United States in making and interpreting commercial treaties with Canada. He wanted more liberal concessions on the part of his government to obtain trade. Major Bittinger may engage in journalism upon his return to St. Joseph. He received an offer some time ago to edit a Republican newspaper.

TRIED TO KILL A FAMILY.

Five Persons Shot by a Youth, Who Then Fled to Texas.

HUNTSVILLE, Ala., March 13 .- Joe D. Powers, a young white man of New Market. Ala., attempted to exterminate a whole family near that place to-day. Powers had a difficulty with John Winkle, a few days ago and to-day he called at Winkle's home and opened fire upon the family through a window. Five persons were shot, including ly be said that Sachs would have been drawn into the case had he not been actively assisted by Mr. Watts. "They walked the shooting Powers took a train for Texas. the time or place for the election of a new

KEENE AND HARRIMAN RAILWAY INTERESTS ARE AT WAR.

Former Accuses the Latter of Virtually Looting the Southern Pacific Railway Property.

SECURES A RESTRAINING ORDER

TEMPORARILY ENJOINING THE VOT-ING OF 750,000 SHARES OF STOCK,

Which Is Held by the Union Pacific. and Which Is Controlled by Har-

riman and His Friends.

EARNINGS

WHICH ARE ALLEGED TO HAVE TURNED A SURPLUS INTO DEFICIT.

Nearly \$32,000,000 of Southern Pacific Money Said to Have Been Spent on the Central Pacific.

CINCINNATI, March 13 .- In the contest between the Keene and the Harriman interests in the Union, the Central and the Southern Pacific Railways, the former today secured a temporary restraining order and notice was served on the latter that at Nashville, on April 1, there would be a hearing of cause why an injunction shall not be issued as prayed for. As the date for the annual meeting of the stockholders of the Southern Pacific is April 8, it was desired to have the petition heard before the next election of directors. The Southern Pacific Company has a Kentucky charter, although it owns no property in that State. Its legal headquarters are at Beechmont, Ky., a suburb of Louisville, where its legal representative resides, and for this reason the bill of complaint was filed in Louisville yesterday, but the attorneys found no circuit judge there and before they left for their homes to meet attorneys left. Harmon, as attorney general during the second Cleveland adminiince Jose Javier, an irreconcilable and al- tration, had much to do with the Pacific railway cases for the government.

The bill filed by attorneys for the complainant, Talbot J. Taylor and James B. Taylor, forming the Wall-street firm of "minister of foreign affairs" in the alleged | Talbot Taylor & Co., relates the history of the Southern Pacific Company and discloses an alleged condition of affairs in which the Union Pacific interests in the Southern Pacific Company's directorate have systematically managed the latter company in the interests of the former, During the years of 1900 and 1901 the Union Pacific Company acquired a holding of Southern Pacific shares amounting to \$75,-000,000 or 750,000 shares. These were used it is declared, to elect a directory, each member of which was and is interested in Union Pacific as against the Southern com-

ALLEGED DISCRIMINATION.

The new directory, it is stated, united all departments of the two roads wherever possible, "subject to a dominating and controlling influence in favor of the Union Pacific Company" whereby "the interests of the Southern Pacific are endangered and prejudiced by discriminations in favor of the Union Pacific," adopting policies, also, "that tended and do tend to direct traffic from the Southern Pacific Company which would, without the adoption of such poli-cies, have come to that road." Among other things it is charged in the bill that the Southern Pacific Company was required to tariffs that it was virtually excluded from large volumes of business. It is declared that large betterment expenses have been charged against the Southern Pacific operating expenses, whereas the custom is to fund such expenses in bonds to distribute the cost over a series of years, thus avoiding a burden on the present stockholders. The bill declares also that the operating expense accounts of the road either show a true state of excessive operating expense or an erroneous system of bookkeeping and that immense improvements have been dertaken for the Central Pacific, which affords the Union Pacific an outlet from Ogden, Utah, into California, and errone charged against the Southern Pac ating expense account, with the ultimate purpose of greatly improving the Central Pacific at the expense of the parent sys-tem, buying it and then purchasing the greatly impaired and depreciated Southern Pacific system itself. It is declared that ber, 1902, the Union Pacific had made im provements amounting to nearly \$22,000,000 in the Central Pacific, charging this amount against the operating expenses of the Southern system and creating a deficit of \$3,073,829.21. The bill asks for an order restraining and enjoining the Union Pacific Company from voting its 750,000 shares in the annual election to be held April 8

particulars of the complaint JUDGE LURTON'S ORDER Following is the order issued by Judge

come into court to make answer to the

"I express no opinion upon the merits of the prima facie case made by this bill and its exhibits, further than to say that it seems to me that the complainants are entitled to have the status preserved until they can give notice and be heard upon an application for a preliminary inju It is therefore ordered that the defendant show cause on April 1, before me in my chambers at Nashville, Tenn., at 10 a. m of said day, why an injunction pendente lite shall not be issued as prayed, and in the meantime let the defendant, the Southern Pacific Railroad Company, be restrained from in any manner transferring or disposing of the lease of the Central Pacific road heretofore made to the Southern Pacific Company, or of any of the rights of the said Southern Pacific Company thereunder. and from disposing of or transferring by sale or otherwise the shares of the capital stock of the said Central Pacific Company, owned or held by the said Southern Pacific Company, and that the said Southern Pacific Company, its officers, agents and at-torneys be restrained from permitting the defendant, the Union Pacific Railroad Company, its officers, directors, agents or attorneys or proxy to vote upon any capital stock of said Southern Pacific Company standing in the name of the Union Pacific Railroad Company or in the name or names of any person or corporation for its use and benefit or in the name of the Mercantile Trust Company, its officers directors, agents or proxy, or to in any wise participate as stockholders in any meeting of the stockholders of the said Southern Pacific Railroad Company, or any election of sai Southern Pacific Company, and that sai Southern Pacific Company, its directors, of-ficers, agents, be restrained from in any way altering, changing or amending the